

United States District Court

MAR 15 2015

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Fernando Luna
A208 152 459
United States CitizenPRINCIPAL
YOB: 1972

Case Number:

M-15-0384-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 14, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Carlos Francisco Navarrete-Flores, a citizen of El Salvador, and Manuel Sanchez-Vasquez, a citizen of the Mexico, along with one (1) other undocumented aliens, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONYI further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 14, 2015, at approximately 9:20 pm, Aerostat 5 operator, Blake Lowrance, observed five subjects walking away from the Rio Grande River, through the brush, toward the Burger King in Roma, Texas. Alpha 5 relayed the information to agents working the area. Border Patrol Agents Alfredo Barajas-Duque and Tibaldo Rios as well as Game Wardens Adams and Griffin responded. The five suspected undocumented aliens arrived at the Burger King, turned east, and continued through the brush toward 6th street.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Israel Perez Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

March 15, 2015
Date

4:06 pm at

McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0384-M

RE: Fernando Luna

A208 152 459

CONTINUATION:

At the same, Alpha 5 also observed a single cab pick-up truck drive south from Highway 83, on 6th street with its head lights off. The pick-up made a U-turn on 6th street and parked with his lights off. The five subjects seen coming from the Rio Grande River, broke into two groups. Two subjects stopped, while three continued and boarded the pick-up that was parked on 6th street with its lights off. One subject boarded the passenger seat, and the other two jumped into the bed of the truck. The pick-up truck then headed north toward Highway 83.

Border Patrol Agent Barajas followed in behind the vehicle that matched the description given by Alpha 5. Alpha 5 confirmed that he was behind the correct vehicle. Agents conducted a vehicle stop to conduct an immigration inspection. The pick-up, a red Ford Ranger, came to a stop facing south bound on Fresno Street. The truck contained four subjects; Fernando LUNA, a USC driver, and three undocumented aliens. Two of the undocumented aliens were in the bed of the truck and the other one was a passenger inside the cab of the truck.

All four people were transported to the Rio Grande City Border Patrol Station for processing.

PRINCIPAL'S STATEMENT:

Fernando LUNA was read his rights. He stated he was willing to provide a statement without the presence of an attorney.

LUNA, a resident of Edinburg, Texas, stated he was in Roma, Texas to visit his girlfriend. He was unable to provide the address of his girlfriend, nor the street name. According to LUNA, on the way to his girl-friend's house, three males waved him down and told him they had been kidnapped and had just escaped from a house. He also told agents he turned off his headlights because he was nervous and wanted to conserve the battery. LUNA told agents the three men wanted him to take them to the police.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0384-M

RE: Fernando Luna

A208 152 459

CONTINUATION:

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide a statement without the presence of an attorney.

1- Carlos Francisco Navarrete-Flores, a citizen of El Salvador, told agents he was charged \$7,000 (USD) to be smuggled to New Jersey. Navarrete stated he and two others were being guided by two men after illegally crossing the Rio Grande River. After being guided in the United States for approximately 15 minutes, one of the guides instructed them to hide while he left and made a phone call. He returned and told the group to be ready because the vehicle was coming to pick them up. Approximately 5 minutes later, a red truck arrived with its headlights turned off, and stopped right in front of them. The guide told Navarrete and his juvenile brother to board the bed of the truck. The other undocumented alien boarded the truck in the passenger seat. Navarrete told agents he was never kidnapped or held against his will, in fact he was just happy to have made it to the United States. Navarrete was not able to identify the driver of the pick-up due to being in the bed of the truck.

2- Manuel Sanchez-Vasquez, a citizen of Mexico, stated he was charged \$1,000 (USD) to be smuggled into the United States. Sanchez told agents a foot guide helped he and two others cross the Rio Grande River, and then guided them through the brush. The foot guide told them to continue walking until they reached a street, where a red pick-up truck would be waiting to pick them up. When they arrived at a street, Sanchez saw the red pick-up and opened the passenger side door. The driver of the truck instructed him to get in. The driver then told him to put his seat belt on. The two undocumented aliens Sanchez was travelling with, boarded the bed of the pick-up truck. Shortly after departing, the driver of the truck saw Border Patrol attempting to stop him and exclaimed "Aye viene la migra!" (Here comes immigration). Sanchez told agents that at no time did he claim to be kidnapped or held against his will. Sanchez identified LUNA in a photo lineup as the driver of the truck he boarded.